SUPREME COURT, U. S.

NOS. 478 and 479

DEC 18 1968

JOHN F. DAVIS, CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1968

JEREMIAH STAMLER, M.D. and YOLANDA F. HALL,
Plaintiffs-Appellants,

vs.

HON. EDWIN E. WILLIS, et al.,
Defendants-Appellees,

MILTON M. COHEN,
Plaintiff-Appellant,

vs.

HON. EDWIN E. WILLIS, et al.,
Defendants-Appellees.

On Appeal from the United States District Court
for the Northern District of Illinois, Eastern Division.

Petition for Rehearing

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Petition for Rehearing

Plaintiffs-appellants petition this Court to grant a rehearing of this case, and upon the rehearing to vacate the order entered on November 25, 1968, and thereafter grant appellants the relief prayed in appellants' Jurisdictional Statement.

In 1946, members of both the House and Senate debated at length as to whether the charters of standing committees should be contained only in resolutions of each house, or whether the charters should also be embodied in a statute. (92 Cong. Rec. 6391-94, 6457, 10040, 10064 (1946).) No serious doubt was ever cast on the use of the statutory form, which was adopted to assure parallel organization of the houses of future congresses. The result was Part 2 of Title I of the Legislative Re-Organization Act of 1946, which includes Rule XI establishing the House of Representatives Committee on Un-American Activities.

These congressional debates demonstrate beyond doubt that Congress knowingly and purposefully embodied in statutory form the charters which establish standing committees. Accordingly, an "Act of Congress" is involved in this case within 28 U.S.C. § 2282.

Respectfully submitted,

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December 17, 1968.

Thomas P. Sullivan, attorney of record for appellants Jeremiah Stamler, M.D. and Yolanda F. Hall, and Richard Orlikoff, attorney of record for Milton M. Cohen, certify that the foregoing Petition for Rehearing is presented in good faith and not for purposes of delay.

Three copies of this Petition for Rehearing have been served upon the Solicitor General of the United States, Department of Justice, Washington, D.C. 20530, and three copies have been served upon the United States Attorney for the Northern District of Illinois.

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THOMAS P. SULLIVAN

.....

RICHARD ORLIKOFF

Signed and sworn to before
me December 17, 1968.

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Notary Public

PER CURIAM

SUPREME COURT OF THE UNITED STATES

October Term, 1968.

STAMLER ET AL *v.* WILLIS ET AL.; and
COHEN *v.* WILLIS ET AL.

APPEALS FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS.

Nos. 478 and 479. Decided November 25, 1968.

PER CURIAM.

The motion to dismiss is granted and the appeal is dismissed.

MR. JUSTICE BLACK, MR. JUSTICE DOUGLAS, and MR. JUSTICE HARLAN are of the opinion that further consideration of the question of jurisdiction should be postponed to the hearing of the cases on the merits and that the cases be set for oral argument.

MR. JUSTICE MARSHALL took no part in the consideration or decision of these cases.